

RULES OF PROCEDURE OF THE INFORMAL GOVERNMENT EXPERTS GROUP ON ENVIRONMENTAL LIABILITY ("*ELD Government Experts Group*")

THE INFORMAL ELD GOVERNMENT EXPERTS GROUP,
Having regard to the standard rules of procedure of expert groups¹,
HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Point 1

Operation and mandate of the group

1. The group is chaired by a member of staff of Directorate-General for Environment ("DG Environment") of the European Commission. The group shall act at the request of its chairman with the agreement of DG Environment.
2. The ELD Government Experts Group "ELD GEG" ("the group") coordinates joint activities to support the implementation of the ELD² between
 - a. the European Commission (in particular Directorate-General for Environment - DG ENV),
 - b. the EU Member States' experts (Type D members), and
 - c. observers (see point 8).
3. The group's tasks are, in particular:
 - a. to prepare and agree on the Multi-Annual Work Programme (MAWP), based on identified issues related to ELD implementation;
 - b. to monitor the work progress of the activities under the MAWP, including those of sub-groups, to establish linkages between the different activities and sub-groups and discuss cross-cutting issues;
 - c. to bring about an exchange of experience and good practice related to the implementation of the ELD;
 - d. to coordinate activities under the MAWP;
 - e. to endorse outcomes and deliverables from the MAWP and to provide guidance on open issues and questions emerging from those activities;
 - f. to develop the coordination and cooperation mechanisms further, where necessary;
 - g. to provide advice and expertise to the European Commission and its services;

¹ C(2016) 3301 (Annex 3).

² Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (ELD), OJ L 143, 30.4.2004, p. 56

- h. to discuss the evolution of the ELD implementation and its relationship with other policies, policy initiatives or legislative proposals and identify related issues.

Point 2

Convening a meeting

1. Meetings of the group are convened by the Chair, with the agreement of DG Environment either on its own initiative, or at the request of a simple majority of members after DG Environment has given its agreement.
2. Joint meetings of the group with other groups may be convened to discuss matters falling within their respective areas of responsibility.
3. Meetings of the group shall, in principle, be held on Commission premises.

Point 3

Agenda

1. The secretariat shall draw up the agenda under the responsibility of the Chair and send it to the members of the group.
2. The agenda shall be adopted by the group at the start of the meeting.

Point 4

Documentation to be sent to group members

1. The secretariat shall send the invitation to the meeting and the draft agenda to the group members no later than twenty working days before the date of the meeting.
2. The secretariat shall send documents on which the group is consulted to the group members no later than ten working days before the date of the meeting.
3. In urgent or exceptional cases, the time limits for sending the documentation mentioned in paragraphs 1 and 2 may be reduced to five working days before the date of the meeting.

Point 5

Opinions of the group

1. As far as possible, the group shall adopt its opinions, recommendations or reports by consensus.
2. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. The members that have voted against or abstained shall have the right to have a document summarising the reasons for their position annexed to the opinions, recommendations or reports.

Point 6

Sub-groups

1. DG Environment, after consultation with the group, may set up sub-groups for the purpose of examining specific questions on the basis of terms of reference defined by DG Environment. Sub-groups shall operate in compliance with the Commission's horizontal rules on expert groups ("the horizontal rules") and shall report to the group. They shall be dissolved as soon as their mandate is fulfilled.
2. The members of sub-groups that are not members of the group shall be selected via a public call for applications, in compliance with the horizontal rules³.

Point 7

Invited experts

DG Environment may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group or sub-groups on an ad hoc basis.

Point 8

Observers

1. Individuals, organisations or public entities may be granted an observer status, in compliance with the horizontal rules, by direct invitation.
2. Organisations and public entities appointed as observers shall nominate their representatives.
3. Observers and their representatives may be permitted by the Chair to take part in the discussions of the group and provide expertise. However, they shall not have voting rights and shall not participate in the formulation of recommendations or advice of the group.

Point 9

Written procedure

1. If necessary, the group's opinion or recommendation on a specific question may be delivered via a written procedure. To this end, the secretariat sends the group members the document(s) on which the group is being consulted.
2. However, if a simple majority of group members asks for the question to be examined at a meeting of the group, the written procedure shall be terminated without result and the Chair shall convene a meeting of the group as soon as possible.

³ See Articles 10 and 14.2.

Point 10

Secretariat

DG Environment shall provide secretarial support for the group and any sub-groups.

Point 11

Minutes of the meetings

Minutes on the discussion on each point on the agenda and on the opinions delivered by the group shall be meaningful and complete. Minutes shall be drafted by the secretariat under the responsibility of the Chair.

Point 12

Attendance list

At each meeting, the secretariat shall draw up, under the responsibility of the Chair, an attendance list also specifying, where appropriate, the Member States' authorities, organisations or other public entities to which the participants belong.

Point 13

Correspondence

1. Correspondence relating to the group shall be addressed to DG Environment, for the attention of the Chair.
2. Correspondence for group members shall be sent to the e-mail address which they provide for that purpose.

Point 14

Transparency

1. The group shall be registered on the Register of expert groups.
2. As concerns the group composition, the following data shall be published on the Register of expert groups:
 - (a) the name of Member States' authorities;
 - (b) the name of third countries' authorities;
3. DG Environment shall make available all relevant documents, including the agendas, the minutes and the participants' submissions, either on the Register of expert groups or *via* a link from the Register to a dedicated website⁴, where this information can be found. Access to dedicated websites shall not be submitted to user registration or any other restriction. In particular, DG Environment shall publish the agenda and other relevant background documents in due time ahead of the meeting, followed by timely publication

⁴ <http://ec.europa.eu/environment/legal/liability/index.htm> [or a circabc system – to discuss]

of minutes. Exceptions to publication shall only be foreseen where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) N° 1049/2001⁵.

Point 15

Access to documents

Applications for access to documents held by the group shall be handled in accordance with Regulation (EC) No 1049/2001⁶, as complemented by Regulation (EC) 1367/2006⁷ as far as environmental information is concerned.

Point 16

Deliberations

In agreement with DG Environment, the group may, by simple majority of its members, decide that deliberations shall be public.

⁵ These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

⁶ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁷ [Regulation \(EC\) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies](#) (OJ L 264, 25.9.2006, p. 13).